Datatreasury Corporation v. Wells Fargo & Company et al Doc. 439

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION	§	
	§	
PLAINTIFF	§	
	§	
v.	§	CIVIL ACTION NO. 2:06-CV-72-DF
	§	
WELLS FARGO & CO., ET AL,	§	
	§	
DEFENDANTS	§	

NOTICE OF ACCEPTANCE OF STIPULATION BY DEFENDANTS', LASALLE BANK CORPORATION AND LASALLE BANK, N.A.,

The Court, having considered the parties' briefing and oral argument, ordered (Docket No. 411) that a stay of proceedings related to the "Ballard Patents" in this case --- U.S. Patent Nos. 5,910,988 and 6,032,137 – ensue in light of developments in the *ex parte* reexaminations initiated by the First Data Corporation (hereinafter "petitioner") of the Ballard Patents (Reexamination Control Nos. 90/007829, 90/007830). As a required condition of the Court's stay, LaSalle Bank Corporation and LaSalle Bank, N.A., (collectively, "Defendant"), hereby notifies the Court that it accepts the following stipulation and the concomitant stay of all proceedings:

> As a condition of the stay, Defendant may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendant will be permitted to rely for obviousness on the combination of printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

Defendant further notes that it will work with Plaintiff in this matter to keep the Court apprised of developments in the reexamination which my impact the ordered stay.

Dockets.Justia.com

Dated: January 23, 2007

Respectfully submitted,

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LASALLE BANK NA

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 23rd day of January, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ S. Calvin Capshaw
S. Calvin Capshaw